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20SL-CC06191 - MICHAEL CARR V THE AMERICAN BOTTLING CO. ET AL (E-CASE)

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02/11/2021	Corporation Served Document ID - 21-SMCC-904; Served To - THE AMERICAN BOTTLING CO.; Server - CT CORP; Served Date - 11-FEB-21; Served Time - 00:00:00; Service Type - Territory 30; Reason Description - Served; Service Text - LC
	Corporation Served Document ID - 21-SMCC-905; Served To - DR. PEPPER/SEVEN UP MANUFACTURING CO.; Server - CT CORP; Served Date - 11-FEB-21; Served Time - 00:00:00; Service Type - Territory 30; Reason Description - Served; Service Text - LC
	Corporation Served Document ID - 21-SMCC-906; Served To - DR. PEPPER/SEVEN UP INC.; Server - CT CORP; Served Date - 11-FEB-21; Served Time - 00:00:00; Service Type - Territory 30; Reason Description - Served; Service Text - LC
02/02/2021	Summons Issued-Circuit Document ID: 21-SMCC-906, for DR. PEPPER/SEVEN UP INC..
	Summons Issued-Circuit Document ID: 21-SMCC-905, for DR. PEPPER/SEVEN UP MANUFACTURING CO..
	Summons Issued-Circuit Document ID: 21-SMCC-904, for THE AMERICAN BOTTLING CO..
12/30/2020	Note to Clerk eFiling Filed By: JEFFREY DAVID HACKNEY
	Notice notice of fee. Filed By: JEFFREY DAVID HACKNEY On Behalf Of: MICHAEL CARR
12/28/2020	Judge/Clerk - Note EVERY DEFENDANT WITH A STL COUNTY ADDRESS IS \$36 PER DEFENDANT. YOU PAID \$78 PLEASE E-FILE THE REMAINING \$30.
12/21/2020	Filing Info Sheet eFiling Filed By: JEFFREY DAVID HACKNEY
	Pet Filed in Circuit Ct Petition for Damages. On Behalf Of: MICHAEL CARR
	Judge Assigned DIV 6

IN THE CIRCUIT COURT OF THE 21ST JUDICIAL CIRCUIT
OF MISSOURI, ST. LOUIS COUNTY

MICHAEL CARR)
)
Plaintiff) Cause No.:
)
v.)
) Division:
THE AMERICAN BOTTLING)
CO.)
d/b/a)
DR. PEPPER SNAPPLE GROUP)
and/or KEURIG DR. PEPPER)
)
 and)
)
DR. PEPPER/SEVEN UP)
MANUFACTURING CO.)
d/b/a)
DR. PEPPER SNAPPLE GROUP)
and/or KEURIG DR. PEPPER)
)
 and)
)
DR. PEPPER/SEVEN UP, INC.)
d/b/a)
DR. PEPPER SNAPPLE GROUP)
and/or KEURIG DR. PEPPER)
)
Serve all three agents at:)
 CT Corporation Systems)
 120 South Central Ave.)
 Clayton, MO 63105)
)
Defendants.) JURY TRIAL DEMANDED

PETITION FOR DAMAGES

COMES NOW, Plaintiff Michael Carr (“Plaintiff”), by and through undersigned counsel, and for his Petition states as follows and affirms that the facts stated in are true according to his best knowledge and belief:

PARTIES AND VENUE

1. Plaintiff is a citizen residing in St. Louis County in the State of Missouri.
2. Dr. Pepper Snapple Group/Keurig Dr. Pepper and its various related subsidiary entities named above, American Bottling Co., Dr. Pepper/Seven Up Manufacturing Co., and Dr. Pepper/Seven Up, Inc. (collectively, "Defendants" or "Dr. Pepper") conduct business in St. Louis County and at all pertinent times each had in excess of fifty (50) employees.
3. Pursuant to Section 508.010, venue and jurisdiction are proper in this court in that the underlying events occurred within the County of St. Louis.
4. Plaintiff demands a trial by jury on all issues so triable in this case.

FACTS COMMON TO ALL COUNTS

5. Plaintiff worked for Defendants from 2010 until May 6, 2020, at all relevant times herein as a Material Control Expediter at the Overland, Missouri facility.
6. The Overland facility does business under the name Dr. Pepper Snapple Group, which is a subsidiary of Keurig Dr. Pepper.
7. Defendants, as highly interrelated entities controlled by Keurig Dr Pepper / Dr. Pepper Snapple Group, jointly exercised control over the terms and conditions of Plaintiff's employment.
8. Plaintiff was an excellent and dedicated worker who had no difficulties at the facility, and had accumulated years of excellent performance reviews) until he suffered work-related injuries.
9. It was then that the Dr. Pepper suddenly began to find fault with Plaintiff, who began to be viewed as "a guy who gets hurt" and a liability to be rid of.

10. The overall culture at the facility was one of hostility towards injured employees and a fast and loose approach to safety.

11. Plaintiff first suffered a workplace injury in April of 2018, when he rather severely burned his hand to due faulty training during the handling of toxic/corrosive materials. (Plaintiff was trained to use latex gloves, which the acid he was handling burned through rapidly and frighteningly.)

12. Subsequently, in or near September of 2018, Plaintiff suffered a back injury at work. This required surgery in January 2019 and resulted in a Worker's Compensation claim.

13. While out, pressure was applied for Plaintiff to return as soon as possible, as it was during any medical leave Plaintiff took.

14. By March of 2019, a coordinated attempt to force Plaintiff out of his job, one way or another, had begun; it only intensified as time went on.

15. When Plaintiff returned in March, he was retaliatorily taken off the day shift he had earned and placed on third shift. (This appeared to be an attempt to induce Plaintiff to sleep on the job, which did not happen.)

16. Upon returning, Plaintiff was having physical difficulty performing his duties and he was left to fend for himself in this regard.

17. In November of 2019, Plaintiff broke his thumb, at which point a supervisor evidenced the general antipathy of Dr. Pepper against workers getting hurt.

18. This supervisor suddenly offered himself as a "Dr. Feelgood" with a desk full of various painkillers and prescription medications, which he offered to Plaintiff, trying to get Plaintiff to keep working -- the supervisor stated "I have any drug you want."

19. Wisely, Plaintiff declined the illegal drugs; unfortunately, he was also written up for getting hurt in a clear-cut case of retaliation, even though the injury occurred because of weakness in his back while attempting to use torque in a turning motion and due to any fault in his actions.

20. By this point, there was no doubt to anyone that Plaintiff was being targeted and, in fact, he was told by a Security Supervisor on one occasion “You’ve got a target on your back” due to his worker’s comp claim and injuries.

21. It was not uncommon for workers at the facility to stop for a brief smoke break during a lull in the work, which is what Plaintiff did for about three minutes during a time when work on a project had to stop.

22. For this brief pause, Plaintiff was absurdly written up in December of 2019, just after breaking his thumb, and suspended for three days in a draconian attempt to create a “case” against Plaintiff.

23. Other employees – who were not punished – were observed sleeping on duty on occasion.

24. The final retaliatory move against Plaintiff came on May 6, 2020 when he was accused of “unsafe handling of equipment” and summarily dismissed, without the benefit of any real investigation or inquiry.

25. Other employees who engaged in far more serious conduct than Plaintiff were not treated so harshly.

26. Moreover, the sudden ostensible concern with safety is contradicted by Dr. Pepper’s lackadaisical attitude prior to manufacturing an illegal discharge of Plaintiff.

27. In an additional retaliatory move, Plaintiff had been denied his customary annual raise simply due to the fact that he had been injured.

28. Plaintiff had been taking intermittent FMLA prior to his injury for the care of his disabled daughter and had invoked his rights under the FMLA.

29. Once Plaintiff re-qualified for FMLA leave, which would have happened in August or September, Dr. Pepper was well aware that Plaintiff intended to once again take FMLA leave for this purpose.

30. By terminating him, Plaintiff's FMLA leave was preempted.

31. There were various comments directed at Plaintiff evidencing animus against him for taking leave such as "You just want to miss work."

**COUNT I – WORKER'S COMPENSATION RETALIATION IN VIOLATION OF MO.
REV. STAT. 287.780**

32. Plaintiff incorporates by reference the above paragraphs as if fully set forth herein.

33. Plaintiff filed a workers compensation claim against Defendants after becoming an employee.

34. Plaintiff was discharged after filing a worker's compensation claim.

35. Plaintiff's filing of a worker's compensation claim was a motivating factor in his discharge, in concert with animus against him for exercising his FMLA rights, discussed in Count II below.

36. Defendants acted willfully and knowingly.

37. As a consequence of Defendants' actions as described herein, Plaintiff has lost, and continues to lose, wages and other financial incidents and benefits of employment.

38. As a consequence of Defendants' actions as described herein, Plaintiff has experienced emotional distress, embarrassment, and a loss of reputation.

39. As a consequence of Defendants' actions as described herein, Plaintiff has incurred, and will continue to incur, attorney's fees, costs, and expenses.

WHEREFORE, Plaintiff respectfully requests judgement, pursuant to verdict by jury, in his favor in an amount that is fair and reasonable for actual damages in excess of \$25,000.00, liquidated or punitive damages, emotional distress damages, interest on damages, for his attorney's costs and fees, and for such other and further relief to which the Court deems just and proper.

COUNT II – RETALIATION IN VIOLATION OF THE FAMILY MEDICAL LEAVE ACT (FMLA)

40. Plaintiff incorporates by reference the above paragraphs as if fully set forth herein.

41. Plaintiff engaged in protected activity under the Family Medical Leave Act, 29 U.S.C. 2601, *et seq.*

42. Plaintiff engaged in activity protected under the FMLA, both by taking leave and by manifesting his intent to take future leave.

43. Defendants took materially adverse action against Plaintiff by terminating his employment because of his protected activity under the FMLA.

44. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and will continue to sustain in the future damages and is entitled to all remedies available to him under the FMLA, including but not limited to diminution in earnings capacity, liquidated damages, lost wages, and other damages yet undetermined.

45. Defendants' conduct was willful and knowing.

WHEREFORE, Plaintiff requests a jury trial and that this Court enter judgment in his favor and against Defendants, in an amount greater than \$25,000.00, declaring that Defendants have engaged in unlawful employment practices with respect to Plaintiff in violation of his rights protected by the FMLA; that Plaintiff be reinstated and compensated for all losses and damages suffered as a result of Defendants' unlawful discharge of Plaintiff, including, but not limited to, past and future lost income, hedonic damages, emotional distress damages, other lost financial benefits of employment, and an amount to compensate Plaintiff for any tax treatment of a damages award (if reinstatement is not a practical or possible remedy then front pay should be awarded); that Defendants be ordered to pay punitive damages; that Plaintiff be awarded pre-judgment and/or post-judgment interest on his damages; that Plaintiff be awarded attorneys' fees and costs reasonably expended on this case; and further relief as this Court deems appropriate under the circumstances.

Respectfully Submitted,

HKM EMPLOYMNET ATTORNEYS, LLP

/s/ Jeffrey D. Hackney

Jeffrey D. Hackney
Missouri Bar No. 53158
HKM Employment Attorneys, LLP
13321 N. Outer 40 Rd., Suite 500
Town & Country, Missouri 63017
Telephone: 314-448-4282
E-Mail: jhackney@hkm.com

Attorney for Plaintiff

**IN THE CIRCUIT COURT OF THE 21ST JUDICIAL CIRCUIT
OF MISSOURI, ST. LOUIS COUNTY**

MICHAEL CARR)	
)	
Plaintiff)	Cause No.: 20SL-CC6191
)	
v.)	
)	
THE AMERICAN BOTTLING)	
CO.)	
d/b/a)	
DR. PEPPER SNAPPLE GROUP)	
and/or KEURIG DR. PEPPER)	
)	
<i>et. al.</i>)	
)	
Defendants.)	JURY TRIAL DEMANDED

NOTICE OF PAYMENT OF ADDITIONAL SERVICE FEE

COMES NOW, Plaintiff Michael Carr (“Plaintiff”), and, per the clerk’s note of 12/28, submits additional payment of \$30.00 for issuance of all subpoenas for service of process.

Respectfully Submitted,

HKM EMPLOYMNET ATTORNEYS, LLP

/s/ Jeffrey D. Hackney

Jeffrey D. Hackney
Missouri Bar No. 53158
HKM Employment Attorneys, LLP
13321 N. Outer 40 Rd., Suite 500
Town & Country, Missouri 63017
Telephone: 314-448-4282
E-Mail: jhackney@hkm.com
Attorney for Plaintiff



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN N. BORBONUS III	Case Number: 20SL-CC06191	SHERIFF FEE PAID
Plaintiff/Petitioner: MICHAEL CARR vs.	Plaintiff's/Petitioner's Attorney/Address JEFFREY DAVID HACKNEY 2 CITY PLACE SUITE 200 CREVE COEUR, MO 63141	
Defendant/Respondent: THE AMERICAN BOTTLING CO. DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	(Date File Stamp)
Nature of Suit: CC Other Miscellaneous Actions		

Summons in Civil Case

The State of Missouri to: THE AMERICAN BOTTLING CO.

Alias:

DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER

120 S. CENTRAL AVE.
CT CORPORATION SYSTEMS
CLAYTON, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

02-FEB-2021
Date



Clerk

Further Information:
AW

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

other _____.

Served at _____ (address)

in _____ (County/City of St. Louis, MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ _____ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

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120 S. CENTRAL AVE
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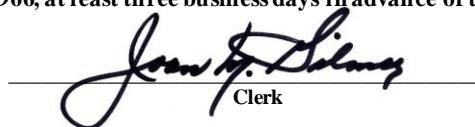
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Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____

Notary Public

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Summons \$ _____

Non Est \$ _____

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CCADM73



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Judge or Division: JOHN N. BORBONUS III	Case Number: 20SL-CC06191
Plaintiff/Petitioner: MICHAEL CARR vs.	Plaintiff's/Petitioner's Attorney/Address JEFFREY DAVID HACKNEY 2 CITY PLACE SUITE 200 CREVE COEUR, MO 63141
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**SHERIFF FEE
PAID**

Summons in Civil Case

The State of Missouri to: DR. PEPPER/SEVEN UP INC.

Alias:

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(for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

other _____.

Served at _____ (address)

in _____ (County/City of St. Louis, MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ _____ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN N. BORBONUS III	Case Number: 20SL-CC06191
Plaintiff/Petitioner: MICHAEL CARR	Plaintiff's/Petitioner's Attorney/Address JEFFREY DAVID HACKNEY 2 CITY PLACE SUITE 200 CREVE COEUR, MO 63141
Defendant/Respondent: THE AMERICAN BOTTLING CO. DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER	Court Address: ST. LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	

**SHERIFF FEE
PAID**

FILED (Date Filed Stamp)

Summons in Civil Case

The State of Missouri to: DR. PEPPER/SEVEN UP INC.		FEB 12 2021
Alias: DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER		
120 S. CENTRAL AVE. CT CORPORATION SYSTEMS CLAYTON, MO 63105		JOAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY
COURT SEAL OF ST. LOUIS COUNTY		<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.</p> <p><u>02-FEB-2021</u> <u>Date</u></p> <p><u>Further Information:</u> <u>AW</u></p>
<p>Sheriff's or Server's Return</p> <p>Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who <u>permanently resides with the Defendant/Respondent.</u></p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to <u>CT CORPORATION</u> (name) <u>LCW-B. LOVE</u> (name) <u>INTAKE SPECIALIST</u> (title) <u>2021 FEB - 8</u> (date) <u>9 AM</u> (time).</p> <p>Served at <u>St. Louis County</u> (County/City of St. Louis, MO, on <u>FEB 11 2021</u> (date) at <u>9 AM</u> (time)).</p> <p>Printed Name of Sheriff or Server <u>Tiffany Mooney</u> Signature of Sheriff or Server <u>TJ</u></p> <p>Must be sworn before a notary public if not served by an authorized officer:</p> <p>Subscribed and sworn to before me on <u>11</u> (date).</p> <p>(Seal) My commission expires: <u>Date</u> <u>Notary Public</u></p>		



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

SB 3/8

Judge or Division: JOHN N. BORBONUS III	Case Number: 20SL-CC06191
Plaintiff/Petitioner: MICHAEL CARR	Plaintiff's/Petitioner's Attorney/Address JEFFREY DAVID HACKNEY 2 CITY PLACE SUITE 200 CREVE COEUR, MO 63141
Defendant/Respondent: THE AMERICAN BOTTLING CO. DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	

SHERIFF FEE PAID

Summons in Civil Case

FILED (Date Filed Stamp)

The State of Missouri to: DR. PEPPER/SEVEN UP MANUFACTURING CO. FEB 12 2021

Alias: JOAN M. GILMER
DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER

120 S. CENTRAL AVE
CT CORPORATION SYSTEMS
CLAYTON, MO 63105 30 CT COR

COURT SEAL OF

ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

02-FEB-2021 Signature of Clerk
 Date Clerk

Further Information:
AW

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to (name) (title)

other (title)

Served at **CT CORPORATION** LCW - B. LOVE INTAKE SPECIALIST

in **St. Louis County** (address)
 (County/City of St. Louis), MO, on **FEB 11 2021** (date) at 9 AM (time)

Printed Name of Sheriff or Server Signature of Sheriff or Server
 Tiffany Mooney Signature

Must be sworn before a notary public if not served by an authorized officer: (date)

Subscribed and sworn to before me on (date)

My commission expires: Date Notary Public

RECEIVED FEB 08 2021

2/9/2021



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN N. BORBONUS III	Case Number: 20SL-CC06191
Plaintiff/Petitioner: MICHAEL CARR	Plaintiff's/Petitioner's Attorney/Address JEFFREY DAVID HACKNEY 2 CITY PLACE SUITE 200 CREVE COEUR, MO 63141 vs.
Defendant/Respondent: THE AMERICAN BOTTLING CO. DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	

**SHERIFF FEE
PAID**

(Date File Stamp)

FILED

Summons in Civil Case

<p>The State of Missouri to: THE AMERICAN BOTTLING CO.</p> <p>Alias: DBA: DR. PEPPER SNAPPLE GROUP AND/OR KEURIG DR. PEPPER</p> <p>120 S. CENTRAL AVE. CT CORPORATION SYSTEMS CLAYTON, MO 63105</p> <p>COURT SEAL OF ST. LOUIS COUNTY</p>		<p>FEB 12 2021</p> <p>JOAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY</p>
<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.</p> <p align="right"><i>Joan M. Gilmer</i> Clerk</p>		
<p><u>02-FEB-2021</u> Date</p> <p>Further Information: AW</p>	<p align="right">FEB 15 PM 2 RECEIVED CLERK'S OFFICE ST. LOUIS COUNTY FEB 15 PM 2 RECEIVED CLERK'S OFFICE ST. LOUIS COUNTY</p>	<p align="right">FEB 15 PM 2 RECEIVED CLERK'S OFFICE ST. LOUIS COUNTY</p>
<p align="center">Sheriff's or Server's Return</p> <p>Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other CT CORPORATION LCW-B. LOVE INTAKE SPECIALIST</p> <p>Served at St. Louis County (County/City of St. Louis), MO, on FEB 11 2021 (date) at 9 AM (time).</p> <p>Printed Name of Sheriff or Server: Tiffany Mooney Signature of Sheriff or Server: <i>[Signature]</i></p> <p>Must be sworn before a notary public if not served by an authorized officer:</p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date: _____ Notary Public: _____</p>		